



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,948	01/17/2001	Carol Cummiskey	12552-00171	6195

7590 09/12/2005

John S. Beulick, Esq.
Armstrong Teasdale LLP
Suite 2600
One Metropolitan Sq.
St. Louis, MO 63102

EXAMINER

WEBB, JAMISUE A

ART UNIT	PAPER NUMBER
----------	--------------

3629

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/761,948

Applicant(s)

CUMMISKEY, CAROL

Examiner

Jamisue A. Webb

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 16-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 16 recites the limitation "the selected shipping carrier" in line 11. There is insufficient antecedent basis for this limitation in the claim. Previously in the claim it recited selecting at least one shipping carrier, therefore allowing there to be more than one selected shipping carrier, and therefore unclear which one this is referring to.

4. With respect to Claim 16: the phrase "compare the shipping information against pre-stored information" is indefinite. First it is unclear what the word "pre-stored" information is referring to, there is no other information that is being collected, therefore it is unclear what is actually being compared, and what the pre-stored information is referring to.

5. With respect to Claim 16: the phrase "accept at least one of a user identification number and a password for each department" is indefinite. The claims have not set forth any sort of departments for users, therefore it is unclear what "each department" is referring to. Furthermore, it is unclear if the user identification and password is for the carrier, or for a user (client sub-system) wishing to send a package.

6. With respect to Claim 16: the phrase "wherein the modes include a website of the one of the at least one shipping carrier and an address form that is separate from the

Art Unit: 3629

website” is indefinite. A “mode” is a form of something, so a mode of printing, would be such things as a printer. Therefore, it is unclear how a website or an address form can be a “mode” of printing.

7. Claim 16 recites the limitation "the one of the at least one shipping carrier" in line 16. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 20 recites the limitation "said system" in line 1. There is insufficient antecedent basis for this limitation in the claim. Is this the client or the server system?

9. With respect to Claim 21: the phrase “for collecting information from users into the centralized database” is indefinite. How does it get into the database, through what?

10. With respect to Claim 21: the phrase “a displaying component for displaying a least one of a home page user interface...” is indefinite. This component is already being claimed as part of the client sub-system. Is a user able to go to either the client system or the server system and access the user interface for shipping a package? Does both the server and the client systems both have the same user interface?

11. With respect to Claim 21: the phrase “said accessing component causing the accessed information to be displayed” is indefinite. It is unclear to the examiner what the word “causing” is referring to. Does the accessing component perform an action, which then displays the information, if so what is that action?

12. With respect to Claim 22: the phrase “an inquiry to provide information from one of a plurality of users” is indefinite. It is unclear who is actually going to be providing the information, is the user providing the information or is the server providing the information? Where is this information collected?

Art Unit: 3629

13. With respect to Claim 23: the phrase “a processing component for searching and processing received inquiries against said centralized database” is indefinite. It is unclear to the examiner how you can process against something; therefore it is unclear to the examiner what the word “against” is referring to.

14. With respect to Claim 25: the phrase “downloads the accessed information after retrieving from the centralized database, to a plurality of users” is indefinite. It is unclear what is being retrieved from the database, is it the accessed information. Furthermore, it is unclear to the same accessed information is downloaded to multiple users (or if each user receives different accessed information), and it is unclear what this information is being downloaded to, the user’s computer?

15. With respect to Claim 28: the phrase “store the updated carrier information against an identifier” is indefinite. It is unclear to the examiner how something can be stored against something else, therefore it is unclear what the word “against” is referring to in this claim.

16. With respect to Claim 30: the phrase “download requested information from said server subsystem” is indefinite. The claim states that the server subsystem is configured to do this, therefore it is unclear to the examiner how a system can download information from itself.

17. With respect to Claim 32: the phrase “where in said server sub-system further configured to accept an inquiry from a user” is indefinite. It is unclear to the examiner how the user sends or inputs an inquiry. Is it through the client-subsystem, or does the user access the server system directly?

Art Unit: 3629

18. With respect to Claim 34: the phrase “wherein said server sub-system further configured to submit a request through” is indefinite. It is unclear to the examiner if the server is the one submitting the request or a user submits a request to the server. Who is actually submitting a request and who is receiving the request?

19. With respect to Claim 36: the phrase “at least one alternative from various alternatives available” is indefinite. It is unclear to the examiner what these alternatives are for, are what they are, alternative what?

20. With respect to Claim 38: the phrase “configured to accept a request for maintenance home page” is indefinite. The phrase is grammatically incorrect and the examiner suggests inserting either “a” or “the” in front of maintenance.

Claim Rejections - 35 USC § 102

21. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

22. Claims 16-40 are rejected under 35 U.S.C. 102(e) as being anticipated by

Williams et al. (US 2002/0032573).

23. With respect to Claim 16: Williams discloses the use of a system comprising:

- a. A client subsystem comprising a browser (See Figure 3);
- b. A centralized database (22);

Art Unit: 3629

- c. A server sub-system, which is in communication with the client sub-system and the centralized database (See Figure 3).
24. It is the examiner's position that the system of Williams is fully capable of:
- d. Receiving shipping information (See Figure 18);
 - e. Comparing the shipping information with stored information (See Figures 43-45);
 - f. Selecting at least one shipping carrier (See Figure 19);
 - g. Displaying the selected shipping carrier (See Figure 19);
 - h. Accepting a user id and password (See Figure 7);
 - i. Providing a selection of modes of printing (the user has access to the internet so the user is fully capable of using the carrier's website to print a shipping label);
 - j. Directing the user to the address form (See Figure 27, and pages 75, 110 and 119).
25. It should be noted that the functions of the server sub-system claimed are considered to be functional descriptive limitations of the system capability to perform these functions. These limitations are considered to be anticipated by Williams due to the fact that the structure of Williams is the same as the claimed structure of the application, therefore Williams is fully capable of performing the claimed functions or operations.
26. With respect to Claim 17: Williams discloses the use of computer monitors (See Figure 3) which are considered to be a displaying component and are capable of displaying a home page. Williams also discloses the internet which sends information

Art Unit: 3629

between servers (See Figure 3) which is considered to be a sending component that is capable of sending an inquiry.

27. With respect to Claim 18: See Paragraphs 0098, 0184 and 0816.

28. With respect to Claim 19: The sending component of Williams is fully capable of functioning in response to a voice command.

29. With respect to Claim 20: Williams discloses the use of a login ID and password, therefore it is configured to be protected from access by unauthorized users.

30. With respect to Claim 21: Williams discloses the system further comprises:

- k. Collection component (database/servers Figure 3);
- l. Tracking component (Paragraph 0022);
- m. Displaying component (monitors/screens, Figures 7-27);
- n. Receiving component (computers/servers);
- o. Accessing component for accessing database (Database servers, Figure 3).

31. With respect to Claim 22: See Computers/Servers, Figure 3, with corresponding detailed description.

32. With respect to Claim 23: See Application Servers, Figure 3 with corresponding detailed description.

33. With respect to Claim 24: See Database servers, Figure 3, with corresponding detailed description.

34. With respect to Claim 25: See Internet, Figure 3.

35. With respect to Claim 26: The system of Williams, as described above, is fully capable of receiving information about a package, updating the carrier information and storing the information in a database.

Art Unit: 3629

36. With respect to Claim 27: Williams discloses the servers, connected to the client system in Figure 3.

37. With respect to Claim 28: The system of Williams is fully capable of updating carrier information and storing the information in the database.

38. With respect to Claim 29: See Paragraph 022.

39. With respect to Claim 30: Williams discloses the use of computers using the internet with monitors, therefore fully capable of downloading information and displaying requested information.

40. With respect to Claim 31: Williams discloses the use of printers (see Figure 2)

41. With respect to Claims 32 and 33: Williams discloses a user interface, therefore fully capable of accepting an inquiry from a user/client system and displaying information to them.

42. With respect to Claim 34: See Figures 12-27.

43. With respect to Claim 35: Williams discloses the use of accessing the Internet, therefore the system being capable of displaying HTML documents.

44. With respect to Claim 36: Williams discloses displaying multiple carrier options, therefore displaying alternates (See Figures 18-20).

45. With respect to Claim 37: Williams discloses the use of database servers (See Figure 3). The servers are capable of accessing and searching the database as well as retrieving information and transmitting information from the database.

46. With respect to Claim 38: Williams discloses the use of a home page (See Figure 7).

47. With respect to Claims 39 and 40: See Figure 3.

Response to Arguments

48. Applicant's arguments filed 2/16/05 have been fully considered but they are not persuasive.

49. With respect to Applicant's argument that Williams does not describe or suggest a web-based system: Williams discloses the system accessing information over the internet (Figure 3) therefore the examiner considers this to be a web-based system.

50. With respect to Applicant's argument that Williams does not describe or suggest a server sub-system configured to direct the user to the address form: First the claims are drawn to a system claim, or an apparatus, which are held to the structural limitations. The limitation of directing the user to an address form is considered to be a functional descriptive limitation of the claimed apparatus, and due to the fact that the system of Williams directs the user of multiple form, it is fully capable of directing a user to an address form. Second Williams discloses the use of address forms, as stated above. Third, this limitation is a conditional limitation. It states when there is no website available to the system will direct a user to the address form, therefore this limitation only has to be met when there is not a website available.

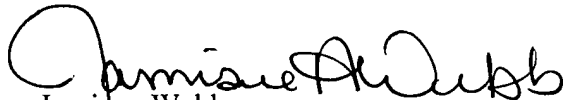
Conclusion

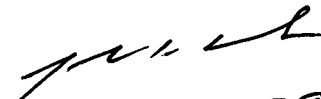
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Webb whose telephone number is (571) 272-6811. The examiner can normally be reached on M-F (7:30 - 4:00).

Art Unit: 3629

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jamisue Webb


SPE 3629